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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. CV13-01196-HSG (NC)

**DECLARATION OF BEN F. PIERCE GORE
IN SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION, FOR
APPOINTMENT OF CLASS
REPRESENTATIVES, AND FOR
APPOINTMENT OF CLASS COUNSEL AND
REQUEST FOR JUDICIAL NOTICE**

Hearing Date: April 23, 2015

Time: 2:00 p.m.

Location: Courtroom 15, 18th Floor

Judge: Hon. Haywood S. Gilliam, Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Rule 201 of the Federal Rules of Evidence,
3 plaintiffs respectfully request that the Court take judicial notice of the annexed documents.

4 BEN F. PIERCE GORE, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

5 1. I am Of Counsel to the law firm of Pratt & Associates, co-counsel to plaintiffs Alex
6 Ang and Lynne Streit ("Plaintiffs"). I submit this declaration in support of Plaintiffs' motion for
7 class certification, the appointment of Plaintiffs as class representatives, and the appointment of
8 Plaintiffs' counsel as class counsel.

9 2. I am a resident of the State of California and my office is located in the State of
10 California. I am a member in good standing of the State Bar of California, and admitted to practice
11 in the Northern District of California, and before the Ninth Circuit Court of Appeals. I received my
12 Juris Doctor and M.B.A. degrees from Vanderbilt University in 1986.

13 3. In my practice, I largely represent consumers and small business plaintiffs in
14 complex litigations, including class actions. These litigations have ranged in subject matter from
15 antitrust, to market manipulation, to deceptive acts and practices.

16 4. Below is a representative sample of my relevant legal experience:

17 **1997-1999 Associate Attorney-Lieff, Cabraser, Heimann & Bernstein LLP ("LCHB"):**

18 Responsible for briefing, depositions, and voluminous document discovery in consumer fraud and
19 product liability class action and MDL cases:

20 ***Edsaco, Ltd:*** LCHB served as Co-Lead Counsel in class action suits arising from an alleged
21 fraudulent scheme by Scorpion Technologies, Inc., and certain of its officers, accountants,
22 underwriters and business affiliates, to inflate the company's earnings through reported fictitious
23 sales. A federal jury returned a \$170.7 million verdict against Edsaco. The jury found that Edsaco
24 aided Scorpion in setting up phony European companies as part of a scheme in which Scorpion
25 reported fictitious sales of computer software to these companies, thereby inflating its earnings.

26 ***Sulzer Orthopedics, Inc:*** In 2000, Sulzer recalled 30,000 units of its Inter-Op Acetabular
27 Shell Hip Implant, followed with a notification of failures of its Natural Knee II Tibial Baseplate
28 Knee Implant. In federal litigation (MDL 1410), LCHB played a significant role in negotiating a

1 settlement with Sulzer valued at more than \$1 billion.

2 ***Multi-state Tobacco Litigation:*** LCHB represented the Attorneys General of
3 Massachusetts, Illinois, Louisiana, Indiana, Rhode Island, and New Hampshire and 18 cities and
4 counties in California, including the City and County of San Francisco, the City of Los Angeles,
5 and the City of San Jose, in litigation against Philip Morris, R.J. Reynolds and other cigarette
6 manufacturers.

7
8 **2000-2002 Partner-Lieff, Cabraser, Heimann & Bernstein LLP:** Opened LCHB's Nashville
9 office and began collaborating with national group of attorneys prosecuting consumer fraud class
10 actions against insurance companies. Litigated and settled the following class actions:

11 ***The Progressive Corp:*** Prosecuted four cases in state and federal courts in Florida, Ohio and
12 Illinois, all alleging that Progressive and its agents employed a deceptive and unlawful scheme to
13 sell identical auto insurance at multiple prices, in violation of state consumer protection statutes and
14 common law. All four cases were resolved in a settlement that obtained for Progressive
15 policyholders monetary and injunctive relief valued at more than \$500 million.

16
17 **2002-2011 Sole practitioner:** Worked with attorneys in Mississippi, Ohio, Florida, Illinois, and
18 Tennessee prosecuting consumer fraud class actions against insurance companies. Litigated and
19 settled the following class actions:

20 ***Safeco Insurance Company:*** Prosecuted cases in state and federal court, alleging that
21 Safeco and its agents employed a deceptive and unlawful scheme to sell identical auto insurance at
22 multiple prices, in violation of state consumer protection statutes and common law. Both cases were
23 resolved in a settlement that obtained for Safeco policyholders monetary and injunctive relief
24 valued at more than \$100 million.

25 ***Travelers Insurance Company:*** Prosecuted multi-state class action alleging that Travelers
26 and its agents employed a deceptive and unlawful scheme to sell identical auto insurance at
27 multiple prices, in violation of state consumer protection statutes and common law. The case
28 resulted in a settlement that obtained for Travelers policyholders monetary and injunctive relief

1 valued at more than \$50 million.

2 ***Auto Owners Insurance Company:*** Prosecuted a multi-state class action alleging that
3 Auto Owners and its agents employed a deceptive and unlawful scheme to sell identical auto
4 insurance at multiple prices, in violation of state consumer protection statutes and common law.
5 The case resulted in a settlement that obtained for Auto Owners policyholders monetary and
6 injunctive relief valued at more than \$30 million.

7 ***Travelers Property Casualty Insurance Company:*** Over five years, prosecuted and
8 extensively litigated multi-state consumer fraud class action, alleging that Travelers and its agents
9 employed a deceptive and unlawful scheme to sell identical homeowners insurance at multiple
10 prices, in violation of state consumer protection statutes and common law. In 2009, a federal court
11 in Ohio certified an Ohio litigation class of Travelers policyholders. The multi-state settlement that
12 followed obtained for Travelers policyholders monetary and injunctive relief valued at more than
13 \$25 million.

14
15 **2011-2014 Pratt & Associates:** Together with co-counsel, I have appeared in approximately 58
16 food misbranding class actions in the Northern District of California.

17 5. I have been involved extensively in the investigation and prosecution of the claims
18 asserted in the above-captioned action, as well as the drafting of pleadings. I have familiarized
19 myself with the local rules, applicable statutes, regulations, and case law. I commit to utilizing the
20 full resources of my law firm to represent the putative class.

21 6. Annexed hereto as Exhibit A are true and correct copies of photographs I took of the
22 packaging of Sara Lee Classic 100% Whole Wheat Bread that had been purchased by Alex Ang.

23 7. Annexed hereto as Exhibit B are true and correct copies of photographs I took of the
24 packaging of Thomas' Plain Bagel Thins that had been purchased by Alex Ang.

25 8. Annexed hereto as Exhibit C are true and correct copies of photographs I took of the
26 packaging of Sara Lee Soft & Smooth Whole Grain White Bread that had been purchased by Alex
27 Ang.

28 9. Annexed hereto as Exhibit D are true and correct copies of photographs I took of the

1 packaging of Bimbo Original Toasted Bread that had been purchased by Alex Ang.

2 10. Annexed hereto as Exhibit E are true and correct copies of photographs I took of the
3 packaging of Sara Lee Classic 100% Whole Wheat Bread that had been purchased by Lynne Streit.

4 11. Annexed hereto as Exhibit F are true and correct copies of photographs I took of the
5 packaging of Sara Lee 100% Whole Wheat Bread that had been purchased by Lynne Streit.

6
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

9 Dated: February 18, 2015

10 /s/ Ben F. Pierce Gore
11 BEN F. PIERCE GORE
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